



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,563	03/07/2001	Thomas A. O'Brien	10330-006-999	4075

30074 7590 09/10/2004

TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/800,563	Applicant(s) O'BRIEN, THOMAS A.	
	Examiner Sam Rimell	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2175

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I : Claims 1-15

Group II: Claims 16-22

Group III: Claims 23-26

Group IV: Claims 27-32

Applicant was required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits. On August 5, 2004, applicant elected claims 27-32 without traverse. This was ratified by applicant's summary of the interview, submitted 8/20/04. Claims 27-32 are therefore examined on the merits herewith.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fagan et al. (U.S. Patent 6,535, 873).

Claim 27: Reference is made to FIGS. 2 and 6, which illustrate a query construction tool. The query is constructed in FIG. 6 and the final form of the query is transmitted from the interface of FIG. 2 (col. 4, lines 19-20).

Referring back to FIG. 6, a plurality of predefined queries can be formed. Although one query (602) is shown, differing queries can be established using different word segments in the queries.

Each query has a general query segment, such as “What antibiotic can be used for” and a specific segment, such as “intent” and “organism” that is selected by a user from menus such as (606) and which provide specific context to the query. The combination of

The user selects the general query segment by selecting one of menu boxes (606) in the query. The user is then displayed all the options for specific segments, and selects a specific segment by highlighting that segment. The result is a query with combined general and specific segments.

The query results will be specific information sources, such as articles from medical journals.

Claims 27 only differs in that the Detailed Description of Invention does not specify the searching of multiple information sources. However, the Background of Invention in the same Fagan et al. patent specifies that databases of the Internet, corresponding to multiple information sources, may be searched (col. 1, lines 41-46). Accordingly, it would have been obvious to one of ordinary skill in the art to modify the system of Fagan et al. to search a plurality of information sources such as would be provided by the Internet in order to provide a more comprehensive search, as suggested in the Background of the Invention.

Claim 28: As seen in FIGS. 2 and 6, the queries are complete sentences, such as “What antimicrobial agents can be used in treatment of any organism?”

Claim 29: FIG. 6 of Fagan et al. discloses the principle of progressively building predefined complete query sentences (602) using predefined sentence segments (606). Using different sentence segments produces different predefined queries. The process is performed with the assistance of a graphical user interface (FIG. 6). The final query is provided into the interface

Art Unit: 2175

of FIG. 2 (col. 4, lines 18-19) and a search is performed by pressing the button (208). The step of identifying information sources is the step of providing query results from information sources. These query results correspond to the query that was actually submitted.


Fagan et al. only differs in that the Detailed Description of Invention does not specify the searching of multiple information sources. However, the Background of the Invention in the same Fagan et al. patent specifies that databases of the Internet, corresponding to multiple information sources, may be searched (col. 1, lines 41-46). Accordingly, it would have been obvious to one of ordinary skill in the art to modify to modify the system of Fagan et al. to search a plurality of information sources such as would be provided by the Internet to provide a more comprehensive search, as suggested in the Background of the Invention.

Claim 30: The queries are presented on a computer interface and the search results are also presented on a computer interface See FIGS. 4 and 7.

Claim 31: The content that is searched with the search query is Internet databases. The Internet inherently includes searchable collections of web pages.

Claim 32: The Internet includes a plurality of databases (col. 1, lines 41-46).

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.


Sam Rimell
Primary Examiner
Art Unit 2175